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OFFICE OF PETITIONS

In re Application of
Azpitarte
Application No. 10/620,649
Filed: July 16, 2003
Attorney Docket No. CAB014-01
For: SAFETY SYSTEM FOR THE ACTUATING OF
ELEVATOR LANDING DOORS

ON PETITION

This is a decision on the petition filed December 24, 2003 (certificate of mailing date December 22, 2003), requesting, in effect, that the Notice of Omitted Items in a Nonprovisional Application (Notice) mailed October 20, 2003 be withdrawn, insofar as it alleges that page 2 of the specification was omitted on filing. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **dismissed**.

The application was filed on July 16, 2003. On October 20, 2003, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of July 16, 2003, and advising applicant that page 2 of the specification appeared to have been omitted.

In response, the present petition was filed. The petition does not allege and is not accompanied by any evidence that any page of specification containing page number 2 was present in the Office on July 16, 2003.

Petitioner claims that the specification, filed July 16, 2003, was misnumbered. The first page of the specification is not numbered. The subsequent pages of specification are numbered 3 - 17.

It is obvious from a review of the petition and the application file that no page of specification was actually missing on July 16, 2003. Petitioner simply misnumbered the application papers. However, the Notice mailed October 20, 2003, was correct in stating that page 2 of the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition to withdraw the October 20, 2003 Notice is dismissed.

Since the present petition was not necessitated by any error on the part of the Office, the \$130.00 petition fee will be retained.

The application is being forwarded to Technology Center 3600 for examination in due course. The examiner of record will consider the Preliminary Amendment, filed on July 16, 2003, that corrects the pagination of the specification

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy